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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ATMOSPHERIC AND SATELLITE PROGRAM AUTHORIZATION ACT

MAY 16, 1983.—Ordered to be printed

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 1097]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1097) to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, having considered the same, reports favorably thereon with amendments and recommends that the bill do pass.

PURPOSE OF BILL

The purpose of this bill is to authorize appropriations for atmospheric and satellite programs of the National Oceanic and Atmospheric Administration (NOAA) for fiscal year 1984. This bill will allow the Committee to consider, guide and direct the activities in NOAA's atmospheric and satellite programs.

BACKGROUND AND NEEDS

This bill is one of a series which together provide a comprehensive authorization for NOAA under the Department of Commerce.

NOAA was created by Executive order in 1970 with the primary responsibility for most of the Federal Government's civilian research, service and regulatory programs affecting the Nation's oceans and atmosphere. The work of NOAA is critical for efficient

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weather forecasting and the sound management and productive use of the Nation's ocean and coastal resources.

Included among these programs are those administered by the National Weather Service, the National Ocean Survey, the National Marine Fisheries Service, the Office of Coastal Zone Management, and the Office of Sea Grant.

The scope of NOAA's responsibilities has increased considerably in the 13 years since its formation. In the decade of the 1970's, national concern for the environment and an awareness of ever increasing demands on our oceanic and atmospheric resources were reflected by the enactment of a significant number of legislative initiatives aimed at enhancing environmental protection and promoting wise management of these resources. Several programs under NOAA were established by these new laws, including:

1. The Marine Mammal Protection Act;
2. The Marine Protection, Research and Sanctuaries Act;
3. The National Ocean Pollution Planning Act;
4. The Endangered Species Act;
5. The Magnuson Fishery Conservation and Management Act; and
6. The Coastal Zone Management Act of 1972.

This piecemeal growth brought with it a patchwork of authorization bills for the agency. Virtually the entire funding authority for the programs inherited by NOAA in 1970 could be traced to several dozen acts, all of which provided permanent authorizations. In fact, 85 percent of NOAA's appropriations have been provided pursuant to permanent authorizations.

The other 15 percent of the agency's funding is covered by miscellaneous annual authorization acts. These annual authorization acts have little discernible relationship to the NOAA budget structure. This makes if difficult for authorization provisions to affect actual programmatic funding levels.

In response to this situation, the Committee began last year to review all the agency's programs with the goal of enacting regularly expiring authorization legislation covering the entirety of NOAA. This goal stemmed from two factors:

1. The desire to play an active role in deciding how agency programs would be carried out and how all its funds would be spent; and
2. The desire to create a rational connection between the NOAA budget structure and all existing annual authorizations affecting the agency's mission.

Earlier legislative attempts have been made to achieve this goal. In 1982, the Committee reported S. 2605, the "National Oceanic and Atmospheric Administration Authorization Act". This bill, the first attempt at a comprehensive authorization bill for NOAA, assembled various ocean and coastal, atmospheric and satellite, fisheries, and program support activities into a single bill. A somewhat less comprehensive authorization bill, H.R. 6324 the "Atmospheric, Climatic, and Ocean Pollution Act of 1982" was passed by the House during the 97th Congress. Both bills encountered jurisdictional problems in the Senate and the House and were not enacted.

The new structure provided by the NOAA bills ordered reported by the Committee on April 21, 1983 achieves the Committee's goal

of having annual authorizations covering all of NOAA. It is the Committee's intent that the agency use these acts as its basis for appropriation requests in the future. At the same time, it should be noted that the Committee has proposed no statutory prohibition on appropriation requests being made pursuant to any other law. However, the Committee expects that these other acts would only be used as authority for appropriations in special cases where the task NOAA wishes to carry out is so specific that its funding can only be justified by reference to an existing standing authorization not mentioned in this bill. In addition, if such a situation should arise, the Committee expects that it will be promptly notified by the appropriate officials of the Department of Commerce.

Legislative History

The Committee on Commerce, Science, and Transportation held 3 days of hearings on four program areas within NOAA. These were ocean and coastal programs on February 28; fishery programs on March 10; and atmosphere and satellite programs and program support on March 14, 1983. Testimony on the atmosphere and satellite programs as well as program support was received from 7 witnesses, including experts from industry, academia and government. The Committee reported S. 1097 by unanimous consent on April 21, 1983.

SUMMARY OF MAJOR PROVISIONS

The National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization Act includes two statutory programs which require reauthorization for fiscal year 1984 and all of the programs which currently operate under permanent authorizations. The bill contains a 1-year reauthorization for the following acts:

1. the Weather Modification Reporting Act (15 U.S.C. 330 et seq.); and
2. the National Climate Program Act (15 U.S.C. 2901 et seq.).

The authorization of appropriations for fiscal year 1984 is provided for the atmosphere and satellite programs in NOAA which are currently under a standing authorization, including the following subactivities:

1. Public warning and forecast service;
2. Atmospheric and hydrological research;
3. Satellite services;
4. Satellite systems; and
5. Data and information services.

The bill contains provisions to: (1) limit the Secretary of Commerce's ability to transfer the ownership and management of NOAA's satellites and associated ground station equipment (see section 601); and (2) require the establishment of public participation procedures prior to the closure or consolidation of weather service facilities (see section 602). Substantive amendments to the National Climate Program Act (see section 604) are also included.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., April 25, 1983.

Hon. Bob Packwood,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 1097, the National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization Act.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

Alice M. Rivlin, *Director.*

Congressional Budget Office Cost Estimate

1. Bill number: S. 1097.
2. Bill title: The National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization Act.
3. Bill status: As ordered reported by the Senate Commerce, Science and Transportation Committee, April 21, 1983.
4. Bill purpose: This bill authorizes the appropriation in fiscal year 1984 of $568 million to the Department of Commerce for the National Oceanic and Atmospheric Administration (NOAA) to administer atmospheric and satellite programs, and such sums as may be necessary for increases in salary, pay, and employee benefits.

The bill stipulates that $271 million of the 1984 authorization is for NOAA's public warning and forecast service, $55 million is for atmospheric and hydrological research, $75 million is for satellite services, $138 million is for satellite systems, and $28 million is for data and information services. Authorizations for fiscal year 1984 of $100,000 for weather modification reporting and $1 million for the National Climate Program Act are also included in the bill. The bill authorizes the appropriation of such sums as may be necessary for fiscal years 1985 and 1986 for the National Climate Program Act.

S. 1097 prohibits the transfer of ownership or management of civil land, meteorological, or ocean remote sensing satellite systems without Congressional mandate, and limits the conditions under which National Weather Service stations and forecast offices can be closed or consolidated. In addition, the bill directs the Secretary of Commerce to establish and maintain an interagency Climate Program Policy Board, and abolishes the federal and state cooperative intergovernmental program for climate studies and advisory services.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1984	1985	1986	1987	1988
Authorization level:					
Specified (function 300)	568.1	1.3	1.3		
Estimated (function 920)	14.1				
Total	582.2	1.3	1.3		
Estimated outlays:					
Function 300	386.3	154.3	18.3	11.8	
Function 920	12.7	1.4			
Total	399.0	155.7	18.3	11.8	

Basis of estimate: For purposes of this estimate, it was assumed that amounts authorized in the bill will be appropriated prior to the beginning of each fiscal year. The estimated authorization for pay is consistent with the CBO baseline projection assumptions. Outlays reflect historical spending patterns for these programs.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Anne Hoffman.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation: The bill, as reported, merely provides the vehicle to annually authorize appropriations previously funded pursuant to standing authorization and will result in no new regulatory burdens. Nearly all of the atmosphere and satellite programs have been previously funded through standing authorization.

Section-by-Section Analysis

Section 1.—Short title

The first section of the bill provides that the Act may be cited as the "National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization Act".

Section 101.—Public warning and forecast services authorization

This section authorizes $270,900,000 to be appropriated for fiscal year 1984 for public warning and forecast services. These services have in the past been carried out pursuant to the following standing authorizations:

1. "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture" (15 U.S.C. 311 et seq.);

2. "An Act to define the functions and duties of the Coast and Geodetic Survey, and other purposes," (33 U.S.C. 883a et seq.); and

3. The Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.).

This authorization may also be used to cover duties relating to public warning and forecast services specified by any other existing statute.

The public warning and forecast services provide weather forecasts, marine prediction services, hurricane and tornado warning services, river and flood forecasts and warnings and planning information. The Committee supports full funding of these services, which reduce the loss of life and property through the prediction of hazardous weather conditions.

Section 201.—Atmospheric and hydrological research authorization

Subsection 201(a) authorizes $55,500,000 to be appropriated for fiscal year 1984 for atmospheric and hydrological research. This budget subactivity has in the past been carried out pursuant to the standing authorization under "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture" (15 U.S.C. 311 et seq.). This authorization may also be used to cover duties relating to atmospheric and hydrological research specified by any other existing statute.

Subsection 201(b) clarifies that the $55,500,000 appropriated in subsection (a) is in addition to moneys provided under the following annual authorization:

1. the Weather Modification Reporting Act of 1972 (15 U.S.C. 330 et seq.); and

2. the National Climate Program Act (15 U.S.C. 2901 et seq.).

Section 301.—Satellite services authorization

This section authorizes $75 million to be appropriated for fiscal year 1984 for satellite services. These services have in the past been carried out pursuant to the following standing authorizations:

1. "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture" (15 U.S.C. 311 et seq.); and

2. Title II of the National Aeronautics and Space Administration Authorization Act, 1983 (Public Law 97-324; 96 Stat. 1597).

This authorization may be used to cover duties relating to satellite services specified by any other existing statute.

Section 401.—Satellite systems authorization

This section authorizes $137,600,000 to be appropriated for fiscal year 1984 for satellite systems. This budget subactivity has in the past been carried out pursuant to the following standing authorizations:

1. "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture" (15 U.S.C. 311 et seq.); and

2. Title II of the National Aeronautics and Space Administration Authorization Act, 1983 (Public Law 97-324; 96 Stat. 1597).

This authorization may also be used to cover duties relating to satellite systems specified by any other existing statute. The Committee fully supports the continued maintenance of a system of two polar-orbiting weather satellites.

Section 501.—Data and information services authorization

This section authorizes $27,800,000 to be appropriated for fiscal year 1984 for environmental data and information services. These services have in the past been carried out pursuant to standing authorization under "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture" (15 U.S.C. 311 et seq.). This authorization may also be used to cover duties relating to data and information services specified by any other existing statute.

Section 601.—Limitation of transfer authority

This section limits the ability of the Secretary of Commerce to "commercialize" NOAA's satellite systems and associated ground systems. Prior to transferring the ownership or management of the meterological and weather satellites, the Secretary would be required to:

1. present to Congress a comprehensive statement of policies, procedures, conditions and limitations of such transfer; and
2. obtain congressional approval of such a transfer by enactment of law.

The Committee believes that the decision to commercialize NOAA's satellite systems is a major policy initiative that requires comprehensive consideration and congressional approval.

Section 602.—Weather service offices

This section requires that the Secretary of Commerce establish standards, principles and procedures such as public notice, hearings and evidence prior to the closure or consolidation of weather service facilities. The Committee believes that the decision to close or consolidate weather service facilities requires careful consideration and public participation.

Section 603.—Weather Modification Reporting Act

This section reauthorizes the Weather Modification Reporting Act (15 U.S.C. 330 et seq.) authorizing $100,000 in fiscal year 1984.

Section 604.—National Climate Program Act

This section reauthorizes the National Climate Program Act for 3 years and provides for amendments to the National Climate Program Act.

Subsection (a) amends section 4 of the National Climate Program Act and defines the term "Board." Subsection (b) amends section 5 of the act and describes the functions and roles of the National Climate Program Office in relation to the Board, the budgetary process, and other agencies. Subsection (c) describes State and regional

services of the National Climate program. Subsections (d), (e), and (f) describe the roles, functions and relations of the Climate Program Policy Board and the Board's relation to the National Climate Program Office. Subsection (g) repeals section 6 of the National Climate Program Act. Subsection (h) authorizes appropriations of $1,189,000 to the National Climate Program Act for fiscal year 1984, and such sums as necessary for fiscal years 1985 and 1986.

Section 701.—Pay increase authorization

This section permits supplemental appropriations to accommodate legislated boosts in pay and other employee benefits which result in increased costs to carry out NOAA's duties covered in this bill.

Rollcall Votes in Committee

In accordance with paragraph 7(c) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following record votes during its consideration of S. 1097:

Amendment offered by Senator Pressler regarding legislative veto over closure or consolidation of Weather Service Offices:

YEAS	NAYS
Pressler	Packwood
Exon	Goldwater
Heflin	Danforth
	Kassebaum[1]
	Gorton
	Stevens
	Kasten[1]
	Trible
	Hollings
	Long
	Inouye
	Ford[1]
	Riegle[1]
	Lautenberg

[1] By proxy.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

The Act of December 18, 1971

SECTION 6 OF THAT ACT

Sec. 6. There are authorized to be appropriated $150,000 for the fiscal year ending June 30, 1972, $200,000 each for the fiscal years 1973 through 1980, [and] $100,000 for the fiscal year ending September 30, 1981, *and $100,000 for the fiscal year ending September 30, 1984,* to carry out the provisions of this chapter.

THE NATIONAL CLIMATE PROGRAM ACT

SECTION 4 OF THAT ACT

SEC. 4. DEFINITIONS.

As used in this Act, unless the context otherwise requires:

(1) The term "Board" means the Climate Program Policy Board.

[(1)] *(2)* The term "Office" means the National Climate Program Office.

[(2)] *(3)* The term "Program" means the National Climate Program.

[(3)] *(4)* The term "Secretary" means the Secretary of Commerce.

SECTION 5 OF THAT ACT

SEC. 5. NATIONAL CLIMATE PROGRAM.

(a)–(b) * * *

(c) NATIONAL CLIMATE PROGRAM OFFICE.—*(1)* The Secretary shall establish within the Department of Commerce a National Climate Program Office not later than 30 days after the date of the enactment of this Act. [The Office shall be the lead entity responsible for administering the Program.]

(2) The Office shall—

(A) serve as the lead entity responsible for administering the program.

(B) be headed by a Director who shall represent the Climate Program Policy Board and shall be the spokesman for the program.

(C) serve as the staff for the Board and its supporting committees and working groups,

(D) review each agency budget request transmitted under subsection (h)(1) and submit an analysis of the requests to the Board for its review,

(E) be responsible for coordinating interagency participation in international climate-related activities, and

(F) work with the National Academy of Sciences and other private, academic, State, and local groups in preparing and implementing the climate plan (described in subsection (d)(9)) and the program.

The analysis described in subparagraph (D) shall include an analysis of how each agency's budget request relates to the priorities and goals of the program established pursuant to this Act.

(3) Each Federal officer, employee, department and agency involved in the Program shall cooperate with the Secretary in carrying out the provisions of this Act.

(d) PROGRAM ELEMENTS.—The Program shall include, but not be limited to, the following elements:

(1)–(6) * * *

(7) mechanisms for intergovernmental climate-related studies and services including participation by universities, the private sector and others concerned with applied research and advisory services[;]. *Such mechanisms may provide, among others, for the following State and regional services and functions:*

(A) studies relating to and analyses of climatic effects on agricultural production, water resources, energy needs, and other critical sectors of the economy,

(B) atmospheric data collection and monitoring on a statewide and regional basis,

(C) advice to regional, State, and local government agencies regarding climate-related issues,

(D) information to users within the State regarding climate and climatic effects, and

(E) information to the Secretary regarding the needs of persons within the State for climate-related services, information, and data;

(8) * * *

(9) a preliminary 5-year plan, to be submitted to the Congress for review and comment, not later than 180 days after the enactment of this Act, and a final 5-year plan to be submitted to the Congress not later than 1 year after the enactment of this Act, that shall be revised and extended [biennially] *at a frequency (not more often than biennially or less often than quadrennially) determined by the Board.* Each plan shall establish the goals and priorities for the Program, including [the intergovernmental program under section 6] *the intergovernmental program described in paragraph (7),* over the subsequent 5-year period, and shall contain details regarding (A) the role of Federal agencies in the programs, (B) Federal funding required to enable the Program to achieve such goals, and (C) Program accomplishments that must be achieved to ensure that Program goals are met within the time frame established by the plan.

[(e) ADVISORY COMMITTEE AND INTERAGENCY GROUPS.—(1) The Secretary shall establish and maintain an advisory committee of users and producers of climate data, information and services to advise the Secretary and the Congress on the conduct of the Program. Members of such committee shall not be employed by the Federal Government and may receive compensation at the daily rate for GS–16 of the General Schedule for each day engaged in the actual performance of their duties for the committee and while so serving away from their homes or regular place of business may be allowed travel expenses, including per diem in lieu of subsistence.

[(2) The Secretary shall establish and maintain such interagency groups as are necessary and appropriate to assist in carrying out responsibilities under this Act.]

(e) CLIMATE PROGRAM POLICY BOARD.—(1) The Secretary shall establish and maintain an interagency Climate Program Policy Board, consisting of representatives of the Federal agencies specified in subsection (b)(2) and any other agency which the Secretary believes should participate in the program.

(2) The Board shall—

(A) be responsible for coordinating planning and progress review for the program;

(B) review all agency and department budget requests related to climate transmitted under subsection (h)(1) and submit a report to the Office of Management and Budget concerning such budget requests;

(C) establish and maintain such interagency groups as the Board determines to be necessary to carry out its activities; and

(D) consult with users and producers of climate data, information, and services regarding the conduct of the program.

(3) The Board biennially shall select a Chair from among its members. A Board member who is a representative of an agency may not serve as Chair of the Board for a term if an individual who represented that same agency on the Board served as the Board's Chair for the previous term.

(f) COOPERATION.—(1) * * *

(2) The Secretary and the Secretary of State shall cooperate *with the Office* in (A) providing representation at climate-related international meetings and conferences in which the United States participates, and (B) coordinating the activities of the Program with the climate programs of other nations and international agencies and organizations, including the World Meteorological Organization, the International Council of Scientific Unions, the United Nations Environmental Program, the United Nations Educational, Scientific, and Cultural Organization, the World Health Organization, and Food and Agriculture Organization.

(g) BUDGETING.—(1) Each Federal agency and department participating in the Program, shall prepare and submit to the Office of Management and Budget, on or before the date of submission of departmental requests for appropriations to the Office of Management and Budget, an annual request for appropriations for the Program for the subsequent fiscal year *and shall transmit a copy of such request to the National Climate Program Office.* The Office of Management and Budget shall review the request for appropriations as an integrated, coherent, multi-agency request.

(2) * * *

SECTION 6 OF THAT ACT

[SEC. 6. INTERGOVERNMENTAL CLIMATE PROGRAMS.

[(a) ESTABLISHMENT.—The Secretary shall establish a program for Federal and State cooperative activities in climate studies and advisory services. The Secretary is authorized to make annual grants to any State or group of States, such grants to be made available to public or private educational institutions, to State agencies and to other persons or institutions qualified to conduct climate-related studies or provide climate-related services. Such grants may be made for not more than 50 percent of the costs, in any one year, of the research conducted or services provided under the grant. Federal funds received from other sources shall not be used to pay the remaining share of the cost of such research or services. The Secretary shall work with other appropriate mission agencies in conducting this program.

[(b) DETAIL OF THE INTERGOVERNMENTAL PROGRAM.—The intergovernmental program shall provide, among others, the following State and regional services and functions:

[(1) studies relating to and analyses of climatic effects on agricultural production, water resources, energy needs, and other critical sectors of the economy;

[(2) atmospheric data collection and monitoring on a statewide and regional basis;

[(3) advice to regional, State, and local government agencies regarding climate-related issues;

[(4) information to users within the State regarding climate and climatic effects; and

[(5) information to the Secretary regarding the needs of persons within the State for climate-related services, information and data.

[(c) INTERGOVERNMENTAL PROGRAM REQUIREMENTS.—Prior to making a grant to any State or group of States under this section, the Secretary shall find that—

[(1) the State, or each of the States in a group, has adopted a State climate program in accordance with the provisions of this Act and rules and regulations promulgated by the Secretary; and

[(2) the State, or each of the States in a group has—

[(A) integrated its climate program with the Program; and

[(B) established an effective mechanism for consultation and coordination with Federal and local government officials and users within the State.

The Secretary shall insure that grants made to a State or group of States under this section are made on an equitable basis.]

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